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MEMO ENDORSED

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October 19, 2024

Honorable Valerie Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

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*Re: United States ex rel. Elizabeth Moore v. Center for Autism and Related Disorders, Inc.,
No. 19-cv-03939*

Dear Judge Caproni:

On behalf of my client Center for Autism and Related Disorders (“CARD”), I am writing to request clarification on the Court’s procedural order entered at ECF No. 62. The Court’s order provided that CARD’s answer or motion to dismiss the amended *qui tam* complaint is due “21 days after the final [new] defendant has been served.” ECF No. 62, at 2. Relator Moore, however, only served one of the new defendants—namely, Pantogran, LLC. On October 4, 2024, Moore filed an affidavit that service on Pantogran was effectuated on October 1, 2024. *See* ECF No. 72. Pantogran subsequently requested and received an extension of time for filing its motion to dismiss, specifically to 21 days after the Bankruptcy Court decides Moore’s pending Rule 60(b) motion. *See* ECF No. 82. With respect to the other new defendants, Moore did not serve the amended *qui tam* complaint at all. Instead, Moore obtained waivers of service. The waivers triggered answering deadlines of November 25, 2024 for those defendants. Those defendants, however, requested and received the same extension of time as Pantogran. *See* ECF No. 75.

In the joint status report that Moore’s counsel submitted this past Thursday, Moore’s counsel wrote that CARD’s deadline for filing a motion to dismiss “will coincide with that of its co-defendants,” such that the briefing on the motions to dismiss will be entirely consolidated into a single set of deadlines. *See* ECF No. 76, at ¶ 11. That is my understanding as well. Nevertheless, out of an abundance of caution, I am seeking confirmation from the Court that CARD’s deadline for filing its motion to dismiss coincides with the deadline of its co-defendants (*i.e.*, 21 days of the Bankruptcy Court’s decision).

Sincerely,

Aaron M. Katz

Counsel for Defendant Center for Autism and Related Disorders

The deadline for all defendants to answer or otherwise respond to the Amended Complaint is ADJOURNED to 21 days after the Bankruptcy Court rules on the pending Rule 60(b) motion.

SO ORDERED.

 10/21/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE